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**MAR 04 2008**

**OFFICE OF PETITIONS**

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In re Application of  
Schneider et al.  
Application No. 09/658,638  
Patent No. 7,190,817  
Filed: September 11, 2000  
Attorney Docket No. 013325.00036

:  
:  
: DECISION GRANTING PTA LETTER  
:  
:

This decision is in response to Patentees "LETTER REGARDING PATENT TERM ADJUSTMENT PERIOD" FILED ON March 19, 2007 requesting that the USPTO review the PTA determination at the time of the issuance of the patent in light of the reply date to the notice to file missing parts. The Office thanks patentees for their good faith and candor in bringing this matter to the attention of the USPTO.

Patentee's request is **GRANTED**. The Office will *sua sponte* issue a certificate of correction reflecting an adjustment of 1139-days rather than the 1178-day amount printed on the front of the patent. The Office will also adjust the PTA calculation reflected in PAIR to reflect this decision.

If patentee disputes this determination, patentee may file a reply within **thirty days or one-month** whichever is longer. No extensions of time under 37 CFR 1.136.

Patentee argues that the Office erred in failing to take into consideration the failure to meet the requirements of 37 CFR 1.704(b) in that applicant failed to respond to the Office's notice to file missing parts within three months.

Patentee's argument is persuasive. Upon review, the record clearly reflects that the applicants responded to the Office's notice (mailed on October 23, 2000) on March 5, 2001. This amounted to thirty-nine (39) days beyond three months. Accordingly, the correct determination at the time of the issuance of the patent is reduced by thirty-nine (39) days to reflect a determination at the time of the issuance of one thousand one hundred and thirty-nine (1139) days.

After review of this decision, this application will be forwarded to the certificate of correction branch for a prompt issuance of a certificate of correction. The certificate of correction branch will wait the longer of thirty-days or one-month and then issue such certificate of correction if no reply.

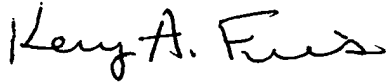
Since this letter is considered a letter of good faith and candor, the USPTO will not assess a



Application No. 09/658,638

\$200.00 fee.

Any questions concerning the issuance of this patent should be directed to Kery A. Fries, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent Examination Policy at 571-272-7757

A handwritten signature in black ink that reads "Kery A. Fries". The signature is written in a cursive, slightly slanted style.

Kery A. Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

cc: Adjusted Pair Calculation  
Draft Certificate of Correction



Day : Wednesday

 **PALM INTRANET**

Date: 1/30/2008

Time: 15:29:39

**PTA Calculations for Application: 09/658638**

Application Filing Date:	09/11/2000	PTO Delay (PTO):	1279
Issue Date of Patent:	03/13/2007	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	101
Post-Issue Petitions:	0	Total PTA (days):	1139
PTO Delay Adjustment:	-39		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
55	01/30/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		39	
50.5	02/21/2007	PTA 36 MONTHS	386		
50	03/13/2007	PATENT ISSUE DATE USED IN PTA CALCULATION			
49	02/06/2007	EXPORT TO FINAL DATA CAPTURE			
48	02/05/2007	DISPATCH TO FDC			
47	02/05/2007	APPLICATION IS CONSIDERED READY FOR ISSUE			
46	02/02/2007	ISSUE FEE PAYMENT VERIFIED			
45	02/02/2007	ISSUE FEE PAYMENT RECEIVED			
44	12/26/2006	FINISHED INITIAL DATA CAPTURE			
43	11/06/2006	EXPORT TO INITIAL DATA CAPTURE			
42	11/03/2006	MAIL NOTICE OF ALLOWANCE			
41	11/02/2006	ISSUE REVISION COMPLETED			
40	11/02/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
39	11/02/2006	NOTICE OF ALLOWABILITY			
38	11/01/2006	DATE FORWARDED TO EXAMINER			
37	10/27/2006	AMENDMENT AFTER FINAL REJECTION			
36	07/27/2006	MAIL FINAL REJECTION (PTOL - 326)			
35	07/24/2006	FINAL REJECTION			
34	05/03/2006	APPLICANT HAS FILED A VERIFIED STATEMENT OF SMALL ENTITY STATUS IN COMPLIANCE WITH 37 CFR 1.27			
33	05/03/2006	NEW OR ADDITIONAL DRAWING FILED			
32	05/10/2006	DATE FORWARDED TO EXAMINER			
31	05/03/2006	RESPONSE AFTER NON-FINAL ACTION		35	28



30	05/03/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
29	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
28	12/29/2005	MAIL NON-FINAL REJECTION			
27	12/27/2005	NON-FINAL REJECTION			
26	12/27/2005	CASE DOCKETED TO EXAMINER IN GAU			
25	10/14/2005	DATE FORWARDED TO EXAMINER			
24	09/29/2005	APPEAL BRIEF FILED			
23	09/29/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
22	04/27/2005	NOTICE OF APPEAL FILED		2	20
21	04/27/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
20	01/25/2005	MAIL FINAL REJECTION (PTOL - 326)	24		16
19	01/24/2005	FINAL REJECTION			
18	01/03/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
17	11/09/2004	DATE FORWARDED TO EXAMINER			
16	09/01/2004	RESPONSE AFTER NON-FINAL ACTION		64	13
15	09/01/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
14	09/01/2004	WORKFLOW INCOMING AMENDMENT IFW			
13	03/29/2004	MAIL NON-FINAL REJECTION	869		-1
12	03/22/2004	NON-FINAL REJECTION			
11	07/17/2003	CASE DOCKETED TO EXAMINER IN GAU			
10	07/14/2003	TRANSFER INQUIRY TO GAU			
9	09/12/2002	MAIL-PETITION DECISION - GRANTED			
8	06/24/2002	PETITION ENTERED			
7	04/24/2001	APPLICATION DISPATCHED FROM OIPE			
6	04/20/2001	APPLICATION IS NOW COMPLETE			
5	04/19/2001	CORRESPONDENCE ADDRESS CHANGE			
4	10/23/2000	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
3	10/23/2000	CORRESPONDENCE ADDRESS CHANGE			
2	10/04/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/11/2000	INITIAL EXAM TEAM NN			

Search Another: Application#

#### EXPLANATION OF PTA CALCULATION



UNITED STATES PATENT AND TRADEMARK OFFICE  
**DRAFT CERTIFICATE OF CORRECTION**

PATENT : 7,190,817 B1  
DATED : March 13, 2007  
INVENTOR(S) : Schneider et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (233) days

Delete the phrase "by 1178 days" and insert – by 1139 days--